

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DINÉ CITIZENS AGAINST RUINING OUR ENVIRONMENT, *et al.*,

Plaintiffs,

v.

RYAN ZINKE, in his official capacity as Secretary of the U.S. Department of the Interior; U.S. BUREAU OF LAND MANAGEMENT; and MICHAEL NEDD, in his official capacity as Acting Director of the Bureau of Land Management,

Federal Defendants,

and

WPX ENERGY PRODUCTION, LLC, *et al.*,  
AMERICAN PETROLEUM INSTITUTE,

Defendant-Intervenors.

Case No. 1:15-cv-00209-JB-LF

**DECLARATION OF JEREMY NICHOLS**

I, Jeremy Nichols, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness in these proceedings, I could and would testify competently to these facts. As to those matters which reflect an opinion, they reflect my personal opinion and judgment on the matter.

2. I live in Golden, Colorado. I am a member and employee of WildEarth Guardians and have been for 10 years. I am the organization's Climate and Energy Program Director. I personally and professionally support the mission of WildEarth Guardians, which is to protect and restore the wildlife, wild places, wild rivers, and health of the American West.

3. In my professional capacity, I work to help advance a transition from fossil fuels and to protect natural values and important resources from the impacts of fossil fuel development in the American West. Fossil fuel development, particularly oil and gas development, can adversely affect landscapes, wildlife habitat, air quality, water quality, and the climate due to greenhouse gas emissions. Although there is great reliance on oil and gas in our society right now, innovation and technology are allowing our nation to advance to cleaner and more cost-effective alternatives to oil and gas. I personally believe that the health and well being of today's and future generations depends upon creating space for these cleaner and more affordable alternatives to take hold and sustain our needs for energy, transportation, heating, and manufacturing.

4. I am familiar with the Bureau of Land Management's ("BLM's") ongoing approval of horizontal oil and gas drilling in the Greater Chaco region of northwestern New

Mexico. For several years now, the BLM has approved new applications for permits to drill in the vicinity of the Chaco Culture National Historical Park, an area that previously had little to no oil and gas development occurring. These drilling permits have been authorizing oil and gas development unlike any other oil and gas development activity that had been previously approved. This development is utilizing horizontal drilling and hydraulic fracturing techniques to extract oil and gas from the Mancos shale formation, which is extensive in the region.

5. This new development is occurring in an area that I am very familiar with and visit regularly for recreational enjoyment. Since 2008, I have regularly visited the Greater Chaco region, visiting Chaco Culture National Historical Park and its outliers, as well as other culturally and naturally significant areas within the region. I regularly visit with friends and family. I have visited this region pretty much once a year since 2008. Some of my most recent visits include:

- a. A visit to Pueblo Pintado in March of 2017: With friends, I visited and explored the Chaco outlier ruin of Pueblo Pintado and enjoyed being outdoors and learning about the cultural history of this area. I hiked outdoors and enjoyed the high desert of this area. Below is a picture I took while visiting.



- b. A visit to Chaco Culture National Historical Park in May 2015: With friends, I visited and explored Chaco Canyon in a springtime trip to the area. I enjoyed hiking amongst the ruins of Chaco Canyon and on public lands surrounding the National Historical Park.
- c. A visit to the Chaco area in August 2014: Although I was not able to visit Chaco Culture National Historical Park, I visited and recreated on public lands in the vicinity of Nageezi and the road to Chaco Culture.
- d. A visit to Chaco Culture National Historical Park in April 2013: I spent a day in the Park on an outing with friends. We hiked extensively in the Pueblo Alto area, viewing the North Road from Chaco and other ruins in the area. Below is a picture I took during this visit of the North Road marked by the National Park Service.

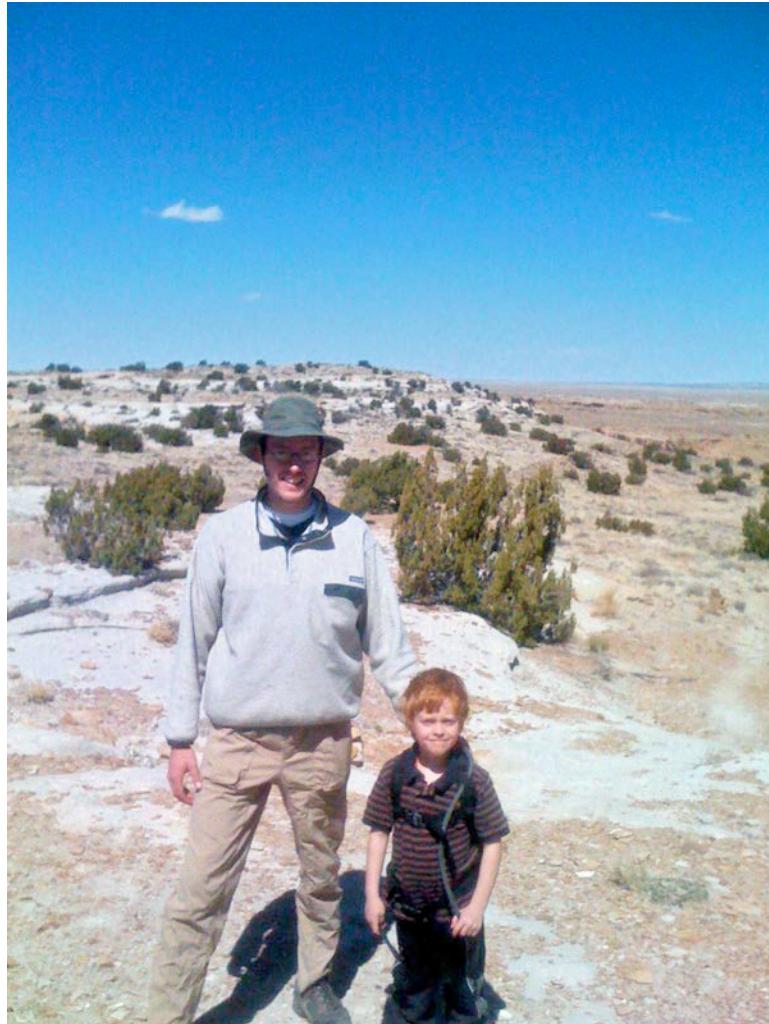


- e. A visit to Chaco Culture National Historical Park in March 2012: I spent a day in the Park on an outing with family and friends. We hiked extensively in the

Park and enjoyed visiting the ruins and learning about the history of Chaco Canyon. Below is a picture of us hiking in Chaco Canyon from this trip.



f. A visit to Chaco Culture National Historical Park in March 2008: Although I visited the Park in 2009, 2010, and 2011, this was my first visit to the Park and it was with my son who was six years-old at the time. We hiked and camped in the Park and enjoyed the outdoors and learning about the region's cultural and natural history. Below is a picture from our first visit.



6. I intend to continue visiting the Greater Chaco region, including Chaco Culture National Historical Park and its outliers, as well as public lands in the region, at least once a year for the foreseeable future. I intend to visit this area again in late June 2017, when I have a trip planned with a friend to visit the region.

7. As I have regularly visited Chaco area over the years, the increase in oil and gas development and the impacts on the landscape have been very noticeable. In 2008, I can't recall there being an oil and gas rig or development operation occurring in the area. By 2014, there were rigs seemingly all over the place, around Nageezi and the road to Chaco Culture National

Historical Park. During my latest visit, there were extensive oil and gas well facilities and infrastructure in the area, particularly around Nageezi and Lybrook.

8. This new oil and gas development has detracted significantly from my enjoyment of the Greater Chaco area and particularly from my enjoyment of visiting public lands and culturally and naturally significant areas here. Part of the joy of visiting the Greater Chaco region is the feeling of being “away from it all” and almost being transported to the time when the Ancestral Puebloans lived in the area. Now, with extensive oil and gas development in the area, it has been industrialized and significantly eroded the natural and remote nature of the region.

9. With the increase in oil and gas development has come light pollution, more truck traffic, drilling rigs sticking up from the land, smells, dust, and more industrialization. In recent visits, I have observed the sights, heard the sounds, and smelled the smells of the oil and gas development occurring in the area and have found it to be offensive, aesthetically displeasing, and overall seriously detracting from my enjoyment of the natural and cultural beauty of the Greater Chaco area. Below are a couple of pictures I’ve taken over the years of oil and gas development impacts in the area.



**Lights from drilling rig visible from road to Chaco Canyon during visit in 2013.**



**Drilling rig on public lands near Highway 550 north of Lybrook visible during visit in 2014.**

10. This oil and gas development occurring in this area is so obvious and intrusive, it has completely altered the landscape. During my most recent visit, I observed a large well pad with tanks and other equipment right at the turnoff to Chaco Culture National Historic Park near

Nageezi. The character of the area has changed dramatically. This has harmed me by detracting from my ability to fully enjoy recreating in the Greater Chaco area and to enjoy learning about Chacoan history.

11. I understand the BLM has been approving much of this oil and gas development, even though the agency has acknowledged that its current management plan for public lands and resources in the area never contemplated the environmental, social, and health impacts of horizontal drilling and hydraulic fracturing of the Mancos shale formation. This concerns me deeply. Without a plan in place to ensure this development occurs in a manner that will not irreversibly alter the lands, air, water, and communities of the region, it seems that there is no guarantee of any kind of protection or future reclamation of these impacts. As it stands, the BLM seems to be approving this development with little to no consideration to the impacts to the Greater Chaco landscape and its resources. Drilling, hydraulic fracturing, and other related activities seem to be being approved in a piecemeal fashion with no consideration of cumulative impacts. This raises serious concerns that my enjoyment of recreating in the Greater Chaco region, including in and around Chaco Culture National Historical Park and its outlying ruins and on public lands in the area, is likely to continue to diminish.

12. If the BLM were required to analyze, assess, and plan around the cumulative environmental, social, and health impacts of this new Mancos shale oil and gas development prior to approving individual drilling permits, my recreational enjoyment would likely be less diminished. Further, if the BLM were prohibited from approving new drilling permits in this area until it developed a new plan, as it has indicated is necessary, it would diminish the harms to my recreational enjoyment of the area and likely ensure that my future visits with friends and family will be more enjoyable than they currently are.

13. A ruling in this case in favor of the Plaintiffs would diminish the harms I have experienced while recreating in the Greater Chaco region and make it more likely that my future visits to the region will be more enjoyable and fulfilling.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed at Golden, Colorado on April 27, 2017.

A handwritten signature in blue ink, appearing to read "J. Nichols".

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Jeremy Nichols